



Mar 10 08 03:01p

Antonio Ortiz

908-791-9847

P. 2

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

----- X  
SANDRA QUILICO

Plaintiff,

- against -

JOSE ESCOBAR-ACURIO and  
ANTONIO ORTIZ

Defendants.  
----- X

To the above named Defendant(s):

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: February 11, 2008  
Forest Hills, New York

Defendant(s) address:

Jose Escobar-Acurio  
945 Newton Street  
North Brunswick, New Jersey 08902

Antonio Ortiz  
220 Horseshoe Road  
Berkeley Heights, New Jersey 07922

Yours etc.,

*Richard M. Gutierrez*  
Richard M. Gutierrez, Esq.  
Attorney for Plaintiff  
Office and Post Office Address  
118-35 Queens Boulevard, Suite 1500  
Forest Hills, NY 11375  
(718) 520-0663

Notice: The nature of this action is personal injury.

The relief sought is monetary damages in an amount excess of the monetary limits of all lower Courts which would otherwise have jurisdiction.

Upon your failure to appear, judgment will be taken against you by default.

RECEIVED  
2008 FEB 15 AM 8:43  
COUNTY CLERK  
BRONX CO. N.Y.

B. P. Ortiz  
- NYS PTT. Ref.  
- A. P. Ref.  
- Grants PTT. Ref.  
- NJ PTT. PTT. Ref.

Index no.: 301308-08

Date Purchased

**DULY SERVED**

DATE 3/8/08  
Plaintiff(s) ~~Escobar-Acurio~~ Queens  
County ~~and~~ of trial NEW JERSEY  
The basis of venue is ~~Place of~~ 52  
occurrence ~~State of~~  
**SUMMONS WITH NOTICE**

Plaintiff(s) resides at  
112 Lincoln Boulevard  
Emmerson, New Jersey 07630

County of BERGEN

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

----- X  
SANDRA QUILICO

Plaintiff,

- against -

**VERIFIED COMPLAINT**

JOSE ESCOBAR-ACURIO and  
ANTONIO ORTIZ

Defendants.  
----- X

Plaintiff, by her attorney, Richard M. Gutierrez, Esq., complaining of the defendants

allege:

**AS AND FOR A FIRST CAUSE OF ACTION**  
**ON BEHALF OF THE PLAINTIFF.**

14 First: That at all times herein mentioned, the Plaintiff, was and still is a resident of the County of Bergen, State of New Jersey.

Second: That upon information and belief at all times herein mentioned, the defendant, Jose Escobar-Acurio was and still is a resident of the County of Essex, State of New Jersey.

Third: That upon information and belief at all times herein mentioned, the defendant, Antonio Ortiz was and still is a resident of the County of Union, State of New Jersey.

15 Fourth: That at all times herein mentioned, the defendant, Antonio Ortiz, was the owner of the motor vehicle which struck the vehicle the Plaintiff, Sandra Quilico, was operating.

16 Fifth: That upon information and belief, at all times herein mentioned, the vehicle being operated by the Plaintiff was a 2007 Mercedes Benz, bearing New Jersey State license plate number WAT35W, when it was struck by the vehicle being driven by the defendant, Jose Escobar-Acurio.

17 Fifth: That upon information and belief, at all times herein mentioned, the vehicle being operated by the defendant, Jose Escobar-Acurio, was a 1995 MAC Truck, bearing New Jersey

State license plate number AK819K.

OK  
Sixth: That at all times herein mentioned, the defendant, Antonio Ortiz was the owner of the vehicle the defendant, Jose Escobar-Acurio, was operating.

PK  
Seventh: That at all times herein mentioned, the defendant Jose Escobar-Acurio was operating the aforementioned vehicle with permission and authority of the owner.

)  
Eighth: That heretofore and on or about the 8<sup>th</sup> day of August, 2007 on the Cross Bronx Expressway, 50 feet east of the Jerome Avenue Exit, in the County of Bronx, City and State of New York, the vehicle being operated by the defendant, Jose Escobar-Acurio failed to merge properly and came into contact with the vehicle the plaintiff, Sandra Quilico, was operating, causing her to sustain serious and permanent personal injuries.

h  
Ninth: That upon information and belief, at all times herein mentioned, at the Cross Bronx Expressway is a public street, highway and thoroughfare located in the County of Bronx, City and State of New York and commonly used by the residents of the County of Bronx and others.

Tenth: That said occurrence was due in whole to the negligence of the defendant Jose Escobar-Acurio, in the operation, maintenance and control of his vehicle.

)  
Eleventh: That the defendant, Jose Escobar-Acurio, was negligent in driving the aforesaid vehicle at a dangerous and excessive rate of speed under the circumstances there pertaining, in failing to keep a proper lookout on the road, in failing to stop or slow down his vehicle in order to avoid the occurrence, in failing to exercise due care by striking the automobile, in which the plaintiff was a passenger and said defendant was otherwise careless, reckless, and negligent in causing the accident.

)  
Twelfth: That by reason of the foregoing, the Plaintiff, Sandra Quilico, was caused to sustain severe, permanent and protracted personal injuries, was rendered sick, sore, lame and

disabled; was and upon information and belief, will be incapacitated from attending to her normal duties and functions.

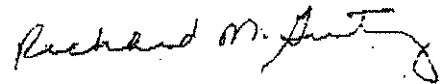
**Thirteenth:** That by reason of the foregoing the Plaintiff, Sandra Quilico has sustained a serious injury as defined in subsection (d) of Section 5702 of the Insurance Law of the State of New York.

**Fourteenth:** That by reason of the foregoing, the Plaintiff, Sandra Quilico has been damaged in an amount in excess of the monetary jurisdiction of all lower Courts in which would otherwise have jurisdiction.

**WHEREFORE,** Plaintiff demands judgment against the defendant in an amount in excess of the monetary jurisdiction of all lower Courts in which would otherwise have jurisdiction together with costs and disbursements of this action.

Dated: Forest Hills, New York  
February 11, 2008

Yours, etc.



Richard M. Gutierrez, Esq.  
118-35 Queens Blvd.  
Forest Hills, N.Y. 11375  
Suite 1220  
(718)520-0663

**VERIFICATION**

I, Sandra Quilico, being duly sworn, deposes and says:

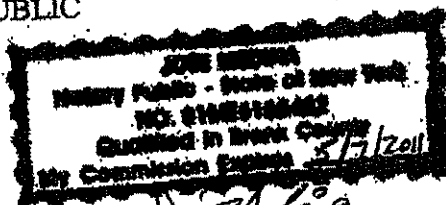
Deponent is the Plaintiff in the within action and has read the foregoing **VERIFIED COMPLAINT** and knows the contents thereof.

The content of the aforesaid pleading is true to deponent's own knowledge, except as to matters therein stated to be alleged on information and belief, and to those matters deponent believes them to be true.

*Sandra Quilico*  
Sandra Quilico

Sworn to Before Me This  
11<sup>th</sup> day of Feb., 2008

*[Signature]*  
NOTARY PUBLIC



04/04/2008 14:40 7185200836

LAW OFFICE

PAGE 05/06

**VERIFICATION**

I, Sandra Quilico, being duly sworn, deposes and says:

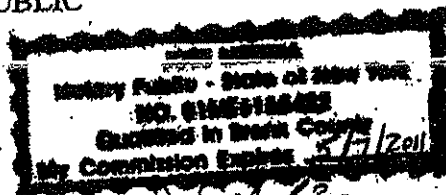
Deponent is the Plaintiff in the within action and has read the foregoing **VERIFIED COMPLAINT** and knows the contents thereof.

The content of the aforesaid pleading is true to deponent's own knowledge, except as to matters therein stated to be alleged on information and belief, and to those matters deponent believes them to be true.

Sandra Quilico  
Sandra Quilico

Sworn to Before Me This  
11<sup>th</sup> day of Feb., 2008

[Signature]  
NOTARY PUBLIC



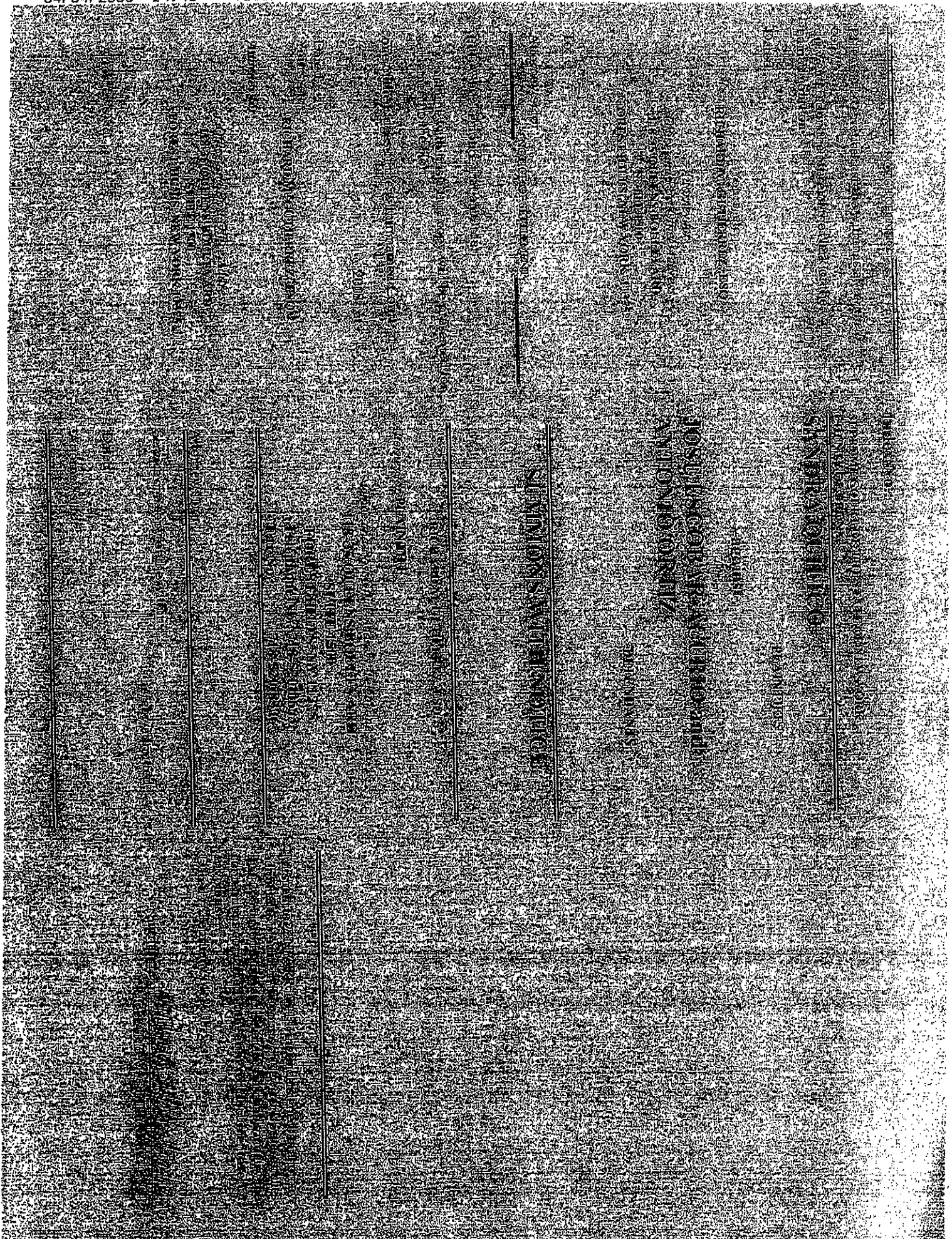


04/04/2008 14:40

7185200836

LAW OFFICE

PAGE 05/05







SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

\_\_\_\_\_  
SANDRA QUILICO

Plaintiff,

-against-

JOSE ESCOBAR-ACURIO and  
ANTONIO ORTIZ

\_\_\_\_\_  
Defendant(s),

Index Number: 301308/08

**ANSWER**

\_\_\_\_\_  
Defendants, JOSE ESCOBAR-ACURIO and ANTONIO ORTIZ, by their attorneys,  
GALVANO & XANTHAKIS, P.C., answering the complaint of plaintiff respectfully states and  
alleges as follows:

1. Defendants deny knowledge or information sufficient to form a belief as to the  
allegations contained in the paragraph of the complaint numbered "1," "4," "5," "6," "7," and  
"9."

2. Defendants admit each and every allegation contained in the paragraphs of the  
complaint numbered "2," "3," and "5."

3. Defendants deny each and every allegation contained in the paragraphs of the  
complaint numbered "8," "10," "11," "12," "13," and "14."

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

3. That all risks and dangers connected with the situation at the time and place  
mentioned in the complaint were open, obvious and apparent and were known to and assumed by  
the plaintiff(s) herein.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

4. Any injuries and/or damages sustained by plaintiff(s) as alleged in the complaint herein were caused in whole or in part by the negligence and/or culpable conduct of the plaintiff(s) and not as a result of any negligence and/or culpable conduct on the part of this (these) answering defendant(s).

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

5. Plaintiff(s) are barred from recovering from this (these) defendant(s) in that any negligence which may have occurred, which is specifically denied, was as the result of actions of third parties over whom this (these) defendant(s) had no control.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

6. This action falls within the limited liability provisions of Article 16 of the Civil Practice Law and Rules, and the defendant(s) liability, if any, shall be limited to its equitable share as provided for in that Article.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

7. It is hereby alleged that the plaintiff(s) received remuneration and/or compensation or some or all of his/her claimed economic loss and that the defendant(s) is (are) entitled to have plaintiff(s)' award, if any, reduced by the amount of that remuneration and/or compensation, pursuant to Section 4545(c) of the Civil Practice Law and Rules.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

8. The plaintiff(s) has(have) failed to sustain a serious injury as defined by the New York State Insurance Law.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

9. Plaintiff's claims are barred by the Doctrine of Res Judicata.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

10. Plaintiff's claims are barred by the Doctrine of Collateral Estoppel.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

11. If any injuries or damages sustained by the plaintiffs were caused in whole or in part by the plaintiffs' own failure to use an available seatbelt, then the plaintiffs cannot recover damages for those injuries which the use of a seatbelt would have obviated.

AS AND FOR AN TENTH AFFIRMATIVE DEFENSE

11. The complaint fails to state cause of action against this defendant.

AS AND FOR A ELEVENTH AFFIRMATIVE DEFENSE

12. Plaintiff's claims against this defendant are barred by Federal Statute, 49 USCA § 30106, also known as the "Graves Amendment."

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

13. The claims asserted are barred or otherwise diminished by the negligence of the Plaintiff pursuant to the provisions of the New Jersey Comparative Negligence Law.

AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE

These defendants are entitled to a set off and/or a reduction of any damage award pursuant to N.J.S.A. 2A:15-97 et. seq. in that the alleged accident occurred on or after December 18, 1987.

AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE

These defendants are entitled to a set-off and/or reduction of any damage award pursuant to N.J.S.A. 2A:15-5.2 et. seq. in that the alleged accident occurred on or after December 18, 1987.

AS AND FOR A FIFTHTEENTH AFFIRMATIVE DEFENSE

Negligence, if any, on the part of these Defendants was not the proximate cause of any injuries or damages, which may have been sustained by the plaintiff, and therefore, these Defendants are not joint tortfeasors within the meaning of the New Jersey Joint Tortfeasors Act,



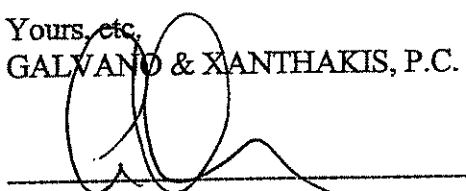
N.J.S.A. 2A:53A1 et. seq.

AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to sustain an injury which surpasses the verbal threshold.

Dated: New York, New York  
April 8, 2008

Yours, etc.  
GALVANO & XANTHAKIS, P.C.



---

By: Anthony Xanthakis  
Attorneys for Defendant(s)  
150 Broadway, Suite 2100  
New York, New York 10038  
(212) 349-5150

TO: **Richard M. Gutierrez**  
Attorney for Plaintiff  
118-35 Queens Boulevard, Suite 1500  
Forest Hills, NY 11375  
(718) 520-0663

ATTORNEY'S VERIFICATION

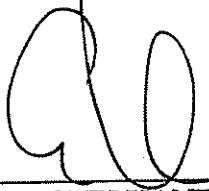
The undersigned, an attorney, duly admitted to practice law before the Courts of the State of New York, says:

That deponent is the attorney of record for the defendants in the within action; that deponent has read the foregoing and knows the contents thereof; that the same is true to deponent's own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters, deponent believes them to be true. Deponent further says that the reason this verification is made by deponent and not by the defendants is that defendants reside and maintain their offices in a county other than that in which deponent maintains his offices.

The grounds for deponent's belief as to all matters not stated upon his knowledge are investigations which he has made or has caused to be made concerning the subject matter of this action, and statements of parties and/or witnesses made herein.

The undersigned affirms that the foregoing statements are true.

Dated: New York, New York  
April 8, 2008

  
\_\_\_\_\_  
ANTHONY XANTHAKIS

GALVANO & XANTHAKIS, P.C.

Index No. 301308/08

Year 20

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

SANDRA QUILICO

Plaintiff,

-against-

JOSE ESCOBAR-ACURIO and  
ANTONIO ORTIZ

Defendant(s),

ANSWER

**GALVANO & XANTHAKIS, P.C.**

Attorney(s) for

Plaintiff

Office and Post Office Address

150 BROADWAY

SUITE 2100

NEW YORK, NEW YORK 10038

(212) 349-5150

**Sir: Please take notice**

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a  
duly entered in the office of the clerk of the within named court on

20

☐ NOTICE OF SETTLEMENT

that an order  
settlement to the HON.  
Judges

of which the within is a true copy will be presented for  
one of the

of the within named Court, at  
on the day of

20

at

M.

Dated,

Yours, etc.

**GALVANO & XANTHAKIS, P.C.**

Attorney(s) for

Office and Post Office Address

150 BROADWAY

SUITE 2100

NEW YORK, NEW YORK 10038

(212) 349-5150

To

Attorney(s) for





SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.: 301308/08

----- X  
SANDRA QUILICO

**VERIFIED BILL OF  
PARTICULARS**

Plaintiff,

- against -

JOSE ESCOBAR-ACURIO and  
ANTONIO ORTIZ

Defendants.

----- X

S I R S:

**PLEASE TAKE NOTICE**, that plaintiff, serves as its Verified Bill of Particulars as follows:

1. Sandra Quilico  
Address: 112 Lincoln Boulevard  
Emerson, New Jersey 07630  
Date of Birth: March 6, 1953  
SSN: 054-44-5860
2. August 8, 2007 at 9:25 p.m.
3. The Cross Bronx Expressway, 50 feet east of the Jerome Avenue Exit, in the County of Bronx, City and State of New York.
4. The vehicle being operated by the Defendant, Jose Escobar-Acurio was traveling west and failed to merge properly while attempting to change lanes and came into contact with the vehicle operated by the Plaintiff, Sandra Quilico.
5. The Plaintiff's vehicle was traveling west on the Cross Bronx Expressway.
6. New Jersey State temporary license plate number AK819K, WAT35W permanent license plate.
7. N/A
8. Not applicable to the extent the question is understood.
9. That heretofore and on or about the 8<sup>th</sup> day of August, 2007 on the Cross Bronx Expressway,

50 feet east of the Jerome Avenue Exit, in the County of Bronx, City and State of New York, the vehicle being operated by the defendant, Jose Escobar-Acurio failed to merge properly and came into contact with the vehicle the plaintiff, Sandra Quilico, was operating, causing her to sustain serious and permanent personal injuries. That the defendant, Jose Escobar-Acurio, was negligent in driving the aforesaid vehicle at a dangerous and excessive rate of speed under the circumstances there pertaining, in failing to keep a proper lookout on the road, in failing to stop or slow down his vehicle in order to avoid the occurrence, in failing to exercise due care by striking the automobile, in which the plaintiff was a passenger and said defendant was otherwise careless, reckless, and negligent in causing the accident.

10. See response to number 9 above.
11. On August 8, 2007 the Plaintiff suffered injuries to her spine, neck, and left hip. Additionally, Plaintiff has pain radiating from her neck down the left arm with numbness and tingling. She also has low back pain, which radiates down the left lower extremity with paresthesias and pain on the left side of her pelvic area. Plaintiff has one-half loss of range of motion in her back. In addition, Plaintiff has a subligamentous herniation at C6-7, disc bulge at C3-4, reversal; of the normal lordotic curve with an associated mild dextrocurvature.
12. The Plaintiff sustained permanent injury to her lower lumbar spine and cervical spine.
13. N/A
14. 8 days
15. 4 weeks.
16. The Plaintiff was taken by ambulance from the accident site to St. Barnabas Hospital on August 8, 2007, treated and released.
17. August 8, 2007-St. Barnabas Hospital- 4422 Third Avenue, Bronx, NY 10457

Med Alliance Medical & Rehabilitation Services Physical Therapy- 625 East Fordham Road, Bronx, New York 10458- 8/8/07, 8/21/07, 9/4/07, 9/6/07, 9/10/07 9/13/07, 9/17/07, 9/19/07, 9/25/07, 9/25/07, 9/28/07, 10/2/07, 10/4/07, 10/5/07, 10/9/07, 10/11/07, 10/15/07, 10/23/07, 10/25/07, 10/26/07, 10/29/07, 10/31/07, 11/2/07, 11/7/07, 11/13/07, 11/15/07, 11/20/07, 11/27/07, 12/13/07, 12/3/07, 12/5/07, 12/11/07, 12/14/07, 12/18/07, 12/21/07, 12/26/07, 1/9/08, 1/10/08, 1/15/08, 1/27/08, 2/4/08, 2/5/08, and 2/15/08.

September 4, 2007-Distinguished Diagnostic Imaging for a MRI Exam.

18. N/A.

19. Commerce Bank: 640 East Fordham, Bronx, New York 10458.  
Branch Manager.

20. 2 weeks.

21. 8 days.

22. Will be provided at a later time once obtained as (A, B, C, D, E, and J)

22 f. None.

23. Unable to respond to this demand, at the present time. Will be provided once information is obtained.

24. N/A

25. N/A

26. N/A

27. N/A

28. Date of Birth: March 6, 1953

SSN: 054-44-5860

29. The defendant violated the New York State Vehicle and Traffic Law and New York City Traffic Rules and Regulations and in particular sections 319.2, 1101, 1122, 1124, and 1146

of the Vehicle and Traffic Law .

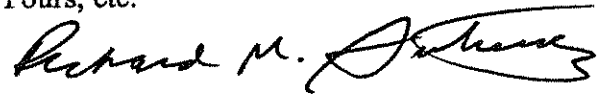
30. N/A

31. N/A

32. N/A

Dated : Forest Hills, New York  
June 13, 2008

Yours, etc.



Richard M. Gutierrez, Esq.  
**Attorney(s) for Plaintiff(s)**  
SANDRA QUILICO  
118-35 Queens Boulevard  
Suite 1500  
Forest Hills, New York 11375  
(718) 520-0663

TO: GALVANO & XANTHAKIS, P.C.  
**Attorney for Defendant (s)**  
150 Broadway, Suite 2100  
New York, New York 10038



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.: 301308/08

----- X  
SANDRA QUILICO

Plaintiff,

- against -

JOSE ESCOBAR-ACURIO and  
ANTONIC ORTIZ

Defendants.

----- X  
STATE OF NEW YORK }

COUNTY OF QUEENS } S.S.

**VERIFICATION**

I, SANDRA QUILICO, being duly sworn, deposes and says:

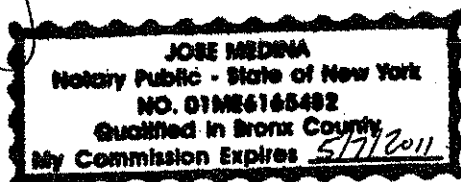
Deponent is the Plaintiff in the within action and has read the foregoing **VERIFIED BILL OF PARTICULARS** and knows the contents thereof.

The content of the aforesaid pleading is true to deponent's own knowledge, except as to matters therein stated to be alleged on information and belief, and to those matters deponent believes them to be true.

  
SANDRA QUILICO

Sworn to before me this  
30<sup>th</sup> day of June, 2008

  
NOTARY PUBLIC



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.: 301308/08

----- X  
SANDRA QUILICO

**AFFIDAVIT OF SERVICE**

Plaintiff,

- against -

JOSE ESCOBAR-ACURIO and  
ANTONIO ORTIZ

Defendants.

----- X

STATE OF NEW YORK    }  
                                  }       S.S.  
COUNTY OF QUEENS    }

I, Neca Rivera, being duly sworn, deposes and says:

That I am not a party to the action and I am over the age of 18 years of age and reside in the County of Kings, State of New York.

That on the 7<sup>st</sup> day of July ,2008, I mailed a copy of the annexed **VERIFIED BILL OF PARTICULARS, and RESPONSE TO COMBINED DEMANDS**

To:   THE LAW OFFICES OF GALVANO & XANTHAKIS, P.C.  
      *Attorneys for Defendants*  
      JOSE ESCOBAR-ACURIO and ANTONIO ORTIZ  
      150 Broadway, Suite 2100  
      New York, New York 10038

By depositing a true copy of the same securely enclosed in a post-paid wrapper in the mail chute maintained and exclusively controlled by the United States at 118-35 Queens Blvd., Forest Hills, NY 11375, directed to said persons at the above address that being the address designated by them for the purpose upon the preceding papers in the action, or the place where they then kept an office or residence and that said post-paid wrapper has not been returned to my office.

  
\_\_\_\_\_  
Neca Rivera

Sworn to before me this  
7<sup>th</sup> day of July ,2008

  
\_\_\_\_\_  
Notary Public

MICHAEL DREISHPOON  
Notary Public, State of New York  
No. 02DR5020824  
Qualified in Queens County  
Commission Expires 11/06/12

NOTICE OF ENTRY

PLEASE take notice that the within is a (*certified*) true copy of a duly entered in the office of the clerk of the within named court on 2008.

Dated:

Yours, etc.  
RICHARD M. GUTIERREZ, ESQ.

*Attorney for*  
*Office and Post Office Address*  
118-35 QUEENS BOULEVARD  
SUITE 1500  
FOREST HILLS, NEW YORK 11375

To:

Attorney(s) for  
NOTICE OF SETTLEMENT

PLEASE take notice that an Order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on 2008 at

Dated,  
Yours, etc.  
RICHARD M. GUTIERREZ, ESQ.

*Attorney for*  
*Office and Post Office Address*  
118-35 QUEENS BOULEVARD  
SUITE 1500  
FOREST HILLS, NEW YORK 11375

To

Attorney(s) for

Index No.:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

**SANDRA QUILICO**

PLAINTIFF,

-against-

**JOSE ESCOBAR-ACURIO and  
ANTONIO ORTIZ**

DEFENDANTS.

**VERIFIED BILL OF  
PARTICULARS**

RICHARD M. GUTIERREZ, ESQ.

*Attorney for PLAINTIFF*

*Office and Post Office Address, Telephone, Fax*  
118-35 QUEENS BOULEVARD  
SUITE 1500  
FOREST HILLS, NY 11375  
Telephone No.: 718-520-0663  
Fax No.: 718-520-8306

To:

Attorney(s) for


Service of a copy of the within

is hereby admitted.

Dated: .....

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: July 7, 2008

Signature   
RICHARD M. GUTIERREZ, ESQ.  
Attorney for Plaintiff

**RICHARD M. GUTIERREZ**

**ATTORNEY AT LAW**

**118-35 QUEENS BOULEVARD**

**FOREST HILLS, NEW YORK 11375**

**SUITE 1500**

**TELEPHONE (718) 520-0663**

**FAX (718) 520-8306**

**E-Mail: richlaw101@aol.com**

**OF COUNSEL  
HELENE GUGERTY**

July 7, 2008

Galvan & Xanthakis, P.C.  
150 Broadway, Suite 210  
New York, New York 10038  
Attn: Craig A. Lamster, Esq.

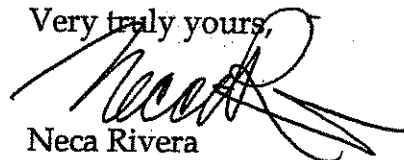
Re: Sandra Quilico v. Jose Escobar-Acurio  
and Antonio Ortiz  
Index No.: 301308/08

Dear Mr. Lamster:

Enclosed please find herewith Verified Bill of Particulars and Response to Combined Responses, in the above-captioned case.

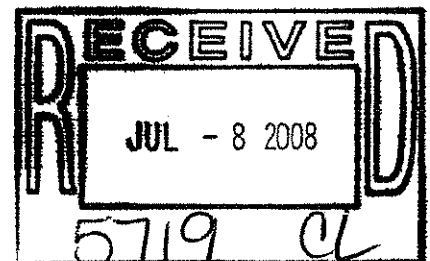
If you have any questions please feel free to contact the undersigned.

Very truly yours,



Neca Rivera  
*Legal Assistant*

NR  
Enclosures





SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.: 301308/08

----- X  
SANDRA QUILICO

**RESPONSE TO COMBINED  
DEMANDS**

Plaintiff,

- against -

JOSE ESCOBAR-ACURIO and  
ANTONIO ORTIZ

Defendants.

----- X  
S I R S:

**PLEASE TAKE NOTICE**, that Plaintiff responds to said demands of defendant as follows:

**STATEMENTS**

1. Plaintiff is not in possession of any written statement made by the defendants. However, the defendant, Jose Escobar-Acurio, made an oral statement "Are you alright?" to the Plaintiff

**ACCIDENT REPORTS**

2. Attached is a police accident report responsive to this request.

**INSURANCE AGREEMENTS**

3. Liberty Mutual Fire Insurance Company  
P.O. Box 9045  
500 B. County Blvd., Ste 450  
Farmingdale, New York 11735

**WITNESS INFORMATION**

4. Anna Vincenty-270 Longstreet Avenue, Apt #6H, Bronx, NY 10465  
  
Ronald Taylor-34 Prospect Place, Apt #B903, Yonkers, NY 10701

**EXPERT WITNESSES**

5. To date, Plaintiff has not yet chosen the physician who will testify as an expert witness. Will be provided at a later date.

**COLLATERAL SOURCE**

- 6a. Yes
- 6b. Insurance Co.: Horizon Blue Cross Blue Shield  
Member Name: Sandra Qulico  
ID #CMJ3SHZN61498180

A duly executed authorization of above collateral source provider is attached hereto.

**MEDICAL INFORMATION**

- 7a. Attached hereto are medical authorizations to obtain records, from the following health care providers:

DDI Imaging-1484 Williamsbridge Road, Bronx, New York 10461;  
Ali Guy M.D- Med Alliance Medical & Rehabilitation Services- 625 East Fordham Road, Bronx, New York ;  
Dr. Theodore Sgambati - Luongo Medical Associates-2 Sears Drive, Paramus, NJ 07652

- 7b. Attached hereto are medical authorizations to obtain records, from the hospital:

St. Barnabas Hospital- 4422 Third Avenue, Bronx, NY 10457;

- 7c. Attached hereto are medical authorizations to obtain records, from the following health care provider currently treating Plaintiff:

Ali Guy M.D- Med Alliance Medical & Rehabilitation Services- 625 East Fordham Road, Bronx, New York

- 7d. Attached hereto is an pharmacy authorization to obtain pharmacy records.

**WORKERS' COMPENSATION INCOME AND EMPLOYMENT RECORDS**

- 8a. N/A
- 8b. Attached hereto is an authorization responsive to said demand.
- 8c. Will be provided at a later time.
- 8d. N/A
- 8e. N/A

**PHOTOGRAPHS**

9. The Plaintiff is not in possession of any photographs of Plaintiff's injuries or the accident site.

**PROOF OF FILING AND INDEX NUMBER**

10. Attached hereto is a copy of the Summons filed with proof of service thereof. Index No.: 301308/08 was purchased on February 14, 2008.

**DEMAND FOR 50- TRANSCRIPT**

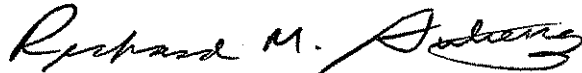
11. N/A

**DEMAND FOR STATEMENT OF DAMAGES**

12. The Plaintiff is entitled to damages for future, present and past, pain and suffering, special damages and loss of employment. A monetary amount cannot be determined at the present time. Once all information needed to make that evaluation is obtained, Plaintiff will more fully comply with this request.

Dated : Forest Hills, New York  
June 13, 2008

Yours, etc.



Richard M. Gutierrez, Esq.

**Attorney(s) for Plaintiff(s)**

SANDRA QUILICO

118-35 Queens Boulevard

Suite 1500

Forest Hills, New York 11375

(718) 520-0663

To: Galvano & Xanthakis, P.C.  
Attorney for Defendant  
Attn: Anthony Xanthakis, Esq.  
150 Broadway, Suite 2100  
New York, New York 10038  
(212) 349-5150

☒ **AMENDED REPORT**

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED	8		9		10		11		12		13		14		15		16		17		18		BY		TD		18		Names of all involved		Date of Death Only		
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	
	1	1				2		1	54	F	11	12	6	EMS	7019														SANDRA QUILICD				
	2	1				2		1	43	M			6															JOSE ESCOBAR - ACQUIRED					

Officer's Rank and Signature	Po Reese	Tax ID No.	NCIC No.	Precinct	Post/Sector	Reviewing Officer	Date/Time Reviewed
Print Name	PO REESE	079321	03030	46	F	P. Reese	8/10/07

Name First <b>QUILICO</b> Last Name <b>SANDRA</b> M.I.		Address	
3 LINCOLN BLVD EMBLSON NS			
Birth Month <b>6</b> Day <b>53</b> Year <b>1953</b> Telephone (Area Code) <b>(201)</b> <b>913</b> <b>7891</b>	Date of Birth Month <b>6</b> Day <b>53</b> Year <b>1953</b> Telephone (Area Code) <b>(201)</b> <b>913</b> <b>7891</b>	First M.I.	
Name First M.I.		Address	
Birth Month <b>6</b> Day <b>53</b> Year <b>1953</b> Telephone (Area Code) <b>(201)</b> <b>913</b> <b>7891</b>		Date of Birth Month <b>6</b> Day <b>53</b> Year <b>1953</b> Telephone (Area Code) <b>(201)</b> <b>913</b> <b>7891</b>	
Name First M.I.		Highway Dist. at Scene? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Birth Month <b>6</b> Day <b>53</b> Year <b>1953</b> Telephone (Area Code) <b>(201)</b> <b>913</b> <b>7891</b>		Shield No.	

INSURANCE POLICY NUMBER FROM INSURANCE IDENTIFICATION CARD, EXPIRATION DATE (IN ALL CASES), AND VIN.

le No. 1 **A0223816015510** Vehicle No. 2 **3060720 NTL 060 601 61**

ation Date **8/25/07** Expiration Date **6/1/07**

**WORK F92H47F932019** VIN **1M2AA13Y95W053235**

LESS (Attach separate sheet, if necessary)

Address

Phone

**CLICATE COPY REQUIRED FOR:**

Dept. of Motor Vehicles  
(if anyone is killed/injured)

☐ Motor Transport Division  
(P.D. vehicle involved)

☐ NYC Taxi & Limousine Comm.  
(If a Licensed taxi or limousine involved)

☐ Other City Agency  
(Specify)

Office of Comptroller  
(if a City vehicle involved)

☐ Personnel Safety Unit  
(if a P.D. vehicle involved)

☐ Highway Unit

IFICATIONS: (Enter name, address, and relationship of friend or relative notified. If aided person is unidentified, list Missing Person Squad member who notified. In either case, give date and time of notification.)

**AMEL - DAUGHTER 201 913 7891**

PROPERTY DAMAGED (other than vehicles)	OWNER OF PROPERTY (include city agency, where applicable)

NYPD VEHICLE IS INVOLVED:		Rank		Shield No.	Tax ID. No.	Command
Vehicle-Operator's First Name	Last Name					
Make of Vehicle	Year	Type of Vehicle	Plate No.	Dept. Vehicle No.	Assigned To What Command	

Equipment in Use At Time of Accident

☐ Siren ☐ Horn ☐ Turret Light ☐ 4-Way Flasher ☐ High-Level Warning Lights ☐ Traffic Cones ☐ Headlights

**ACTIONS OF POLICE VEHICLE**

☐ Responding to Code Signal

☐ Pursuing Violator

☐ Other (Describe)

☐ Complying with Station House Directive

☐ Routine Patrol



<div style="text-align: center;">1</div> <div style="text-align: center;">2</div> <div style="text-align: center;">3</div> <div style="text-align: center;">4</div> <div style="text-align: center;">5</div> <div style="text-align: center;">6</div> <div style="text-align: center;">7</div>	<b>PEDESTRIAN/BICYCLIST LOCATION</b> 1. Pedestrian/Bicyclist at Intersection 2. Pedestrian/Bicyclist Not at Intersection  <b>PEDESTRIAN/BICYCLIST ACTION</b> 1. Crossing, With Signal 2. Crossing, Against Signal 3. Crossing, No Signal, Marked Crosswalk 4. Crossing, No Signal or Crosswalk 5. Riding/Walking Along Highway With Traffic 6. Riding/Walking Along Highway Against Traffic 7. Emerging from in Front of/Behind Parked Vehicle 8. Going to/From Stopped School Bus 9. Getting On/Off Vehicle Other Than School Bus 10. Pushing/Working On Car 11. Working in Roadway 12. Playing in Roadway 13. Other Actions in Roadway * 14. Not in Roadway (Indicate) *  <b>TRAFFIC CONTROL</b> 1. None 2. Traffic Signal 3. Stop Sign 4. Flashing Light 5. Yield Sign 6. Officer/Guard 7. No Passing Zone 8. RR Crossing Sign 9. RR Crossing Flashing LT. 10. RR Crossing Gates 11. Stopped School Bus-Red Lights Flashing 12. Construction Work Area 13. Maintenance Work Area 14. Utility Work Area 20. Other *  <b>LIGHT CONDITIONS</b> 1. Daylight 2. Dawn 3. Dusk 4. Dark-Road Lighted 5. Dark-Road Unlighted  <b>ROADWAY CHARACTER</b> 1. Straight and Level 2. Straight and Grade 3. Straight at Hillcrest 4. Curve and Level 5. Curve and Grade 6. Curve at Hillcrest  <b>ROADWAY SURFACE CONDITION</b> 1. Dry 2. Wet 3. Muddy 4. Snow/Ice 5. Slush 0. Other *  <b>WEATHER</b> 1. Clear 2. Cloudy 3. Rain 4. Snow 5. Sleet/Hail/Freezing Rain 6. Fog/Smog/Smoke 0. Other *  <b>WHICH VEHICLE OCCUPIED</b> 1. Vehicle No. 1 2. Vehicle No. 2 B. Bicyclist P. Pedestrian O. Other *  <b>POSITION IN VEHICLE</b> 1. Driver 2-7. Passengers 8. Riding/Hanging on Outside  <b>SAFETY EQUIPMENT USED</b> 1. None 2. Lap Belt 3. Harness 4. Lap Belt/Harness 5. Child Restraint Only 6. Helmet 7. Air Bag Deployed 8. Air Bag Deployed/Lap Belt 9. Air Bag Deployed/Harness A. Air Bag Deployed/Lap Belt/Harness B. Air Bag Deployed/Child Restraint C. Helmet Only D. Helmet/Other E. Pads Only F. Stoppers Only 0. Other *  <b>EJECTION FROM VEHICLE</b> 1. Not Ejected 2. Partially Ejected 3. Ejected  <div style="display: flex; justify-content: space-around;"> <div>AGE</div> <div>SEX M/F</div> </div>	<b>APPARENT CONTRIBUTING FACTORS</b>  <b>HUMAN</b> 2. Alcohol Involvement 3. Backing Unsafely 4. Driver Inattention * 5. Driver Inexperience * 6. Drugs (Illegal) 7. Failure to Yield Right-of-Way 8. Fell Asleep 21. Fatigued/Drowsy 9. Following Too Closely 10. Illness 11. Lost Consciousness 12. Passenger Distraction 13. Passing or Lane Usage Improper 14. Pedestrian's/Bicyclist's Error/Confusion 15. Physical Disability 16. Prescription Medication 17. Traffic Control Disregarded 18. Turning Improperly 19. Unsafe Speed 20. Unsafe Lane Changing 40. Other Human *  <b>VEHICULAR</b> 41. Accelerator Defective 42. Brakes Defective 43. Headlights Defective 44. Other Lighting Defects 45. Oversized Vehicle 46. Steering Failure 47. Tire Failure/Inadequate 48. Tow Hitch Defective 49. Windshield Inadequate 60. Other Vehicular *  <b>ENVIRONMENTAL</b> 61. Animal's Action 62. Glare 63. Lane Marking Improper/Inadequate 64. Obstruction/Debris 65. Pavement Defective 66. Pavement Slippery 67. Shoulders Defective/Improper 68. Traffic Control Device Improper/Non-Working 69. View Obstructed/Limited 80. Other Environmental *  <div style="text-align: center;"> <b>DIRECTION OF TRAVEL</b>  </div> <b>PRE-ACCIDENT VEHICLE ACTION</b> 1. Going Straight Ahead 2. Making Right Turn 16. Making Right Turn on Red 3. Making Left Turn 17. Making Left Turn on Red 4. Making U Turn 5. Starting from Parking 6. Starting in Traffic 7. Slowing or Stopping 8. Stopped in Traffic 9. Entering Parked Position 10. Parked 11. Avoiding Object in Roadway 12. Changing Lanes 13. Overtaking 14. Merging 15. Backing 20. Other *  <b>LOCATION OF FIRST EVENT</b> 1. On Roadway 2. Off Roadway  <b>TYPE OF ACCIDENT - COLLISION WITH</b> 1. Other Motor Vehicle 2. Pedestrian 3. Bicyclist 10. Other Object (Not Fixed) * <b>COLLISION WITH FIXED OBJECT</b> 11. Light Support/Utility Pole 12. Guide Rail Not At End 25. Guide Rail End 13. Crash Cushion 14. Sign Post 15. Tree 16. Building/Wall 17. Curbing 18. Fence 19. Bridge Structure 20. Culvert/Head Wall 21. Median Not At End 26. Median End 27. Barrier 22. Snow Embankment 23. Earth Embankment/Rock Cut/Ditch 24. Fire Hydrant 30. Other Fixed Object * <b>NON-COLLISION</b> 31. Overturned 32. Fire/Explosion 33. Submersion 34. Ran Off Roadway Only 40. Other *  <div style="display: flex; justify-content: space-between;"> <div> <b>INJURED TAKEN</b>          17 BY TO 18       </div> <div> <b>VEHICLE 1</b>  <input type="checkbox"/>   <b>VEHICLE 2</b>  <input type="checkbox"/>   <b>VEHICLE 3</b>  <input type="checkbox"/>   <b>VEHICLE 4</b>  <input type="checkbox"/>   <b>VEHICLE 5</b>  <input type="checkbox"/>   <b>VEHICLE 6</b>  <input type="checkbox"/>   <b>VEHICLE 7</b>  <input type="checkbox"/>   <b>VEHICLE 8</b>  <input type="checkbox"/>   <b>VEHICLE 9</b>  <input type="checkbox"/>   <b>VEHICLE 10</b>  <input type="checkbox"/>   <b>VEHICLE 11</b>  <input type="checkbox"/>   <b>VEHICLE 12</b>  <input type="checkbox"/>   <b>VEHICLE 13</b>  <input type="checkbox"/>   <b>VEHICLE 14</b>  <input type="checkbox"/>   <b>VEHICLE 15</b>  <input type="checkbox"/>   <b>VEHICLE 16</b>  <input type="checkbox"/>   <b>VEHICLE 17</b>  <input type="checkbox"/>   <b>VEHICLE 18</b>  <input type="checkbox"/>   <b>VEHICLE 19</b>  <input type="checkbox"/>   <b>VEHICLE 20</b>  <input type="checkbox"/>   <b>VEHICLE 21</b>  <input type="checkbox"/>   <b>VEHICLE 22</b>  <input type="checkbox"/>   <b>VEHICLE 23</b>  <input type="checkbox"/>   <b>VEHICLE 24</b>  <input type="checkbox"/>   <b>VEHICLE 25</b>  <input type="checkbox"/>   <b>VEHICLE 26</b>  <input type="checkbox"/>   <b>VEHICLE 27</b>  <input type="checkbox"/>   <b>VEHICLE 28</b>  <input type="checkbox"/>   <b>VEHICLE 29</b>  <input type="checkbox"/>   <b>VEHICLE 30</b>  <input type="checkbox"/>   <b>VEHICLE 31</b>  <input type="checkbox"/>   <b>VEHICLE 32</b>  <input type="checkbox"/>   <b>VEHICLE 33</b>  <input type="checkbox"/>   <b>VEHICLE 34</b>  <input type="checkbox"/>   <b>VEHICLE 35</b>  <input type="checkbox"/>   <b>VEHICLE 36</b>  <input type="checkbox"/>   <b>VEHICLE 37</b>  <input type="checkbox"/>   <b>VEHICLE 38</b>  <input type="checkbox"/>   <b>VEHICLE 39</b>  <input type="checkbox"/>   <b>VEHICLE 40</b>  <input type="checkbox"/>   <b>VEHICLE 41</b>  <input type="checkbox"/>   <b>VEHICLE 42</b>  <input type="checkbox"/>   <b>VEHICLE 43</b>  <input type="checkbox"/>   <b>VEHICLE 44</b>  <input type="checkbox"/>   <b>VEHICLE 45</b>  <input type="checkbox"/>   <b>VEHICLE 46</b>  <input type="checkbox"/>   <b>VEHICLE 47</b>  <input type="checkbox"/>   <b>VEHICLE 48</b>  <input type="checkbox"/>   <b>VEHICLE 49</b>  <input type="checkbox"/>   <b>VEHICLE 50</b>  <input type="checkbox"/>   <b>VEHICLE 51</b>  <input type="checkbox"/>   <b>VEHICLE 52</b>  <input type="checkbox"/>   <b>VEHICLE 53</b>  <input type="checkbox"/>   <b>VEHICLE 54</b>  <input type="checkbox"/>   <b>VEHICLE 55</b>  <input type="checkbox"/>   <b>VEHICLE 56</b>  <input type="checkbox"/>   <b>VEHICLE 57</b>  <input type="checkbox"/>   <b>VEHICLE 58</b>  <input type="checkbox"/>   <b>VEHICLE 59</b>  <input type="checkbox"/>   <b>VEHICLE 60</b>  <input type="checkbox"/>   <b>VEHICLE 61</b>  <input type="checkbox"/>   <b>VEHICLE 62</b>  <input type="checkbox"/>   <b>VEHICLE 63</b>  <input type="checkbox"/>   <b>VEHICLE 64</b>  <input type="checkbox"/>   <b>VEHICLE 65</b>  <input type="checkbox"/>   <b>VEHICLE 66</b>  <input type="checkbox"/>   <b>VEHICLE 67</b>  <input type="checkbox"/>   <b>VEHICLE 68</b>  <input type="checkbox"/>   <b>VEHICLE 69</b>  <input type="checkbox"/>   <b>VEHICLE 70</b>  <input type="checkbox"/>   <b>VEHICLE 71</b>  <input type="checkbox"/>   <b>VEHICLE 72</b>  <input type="checkbox"/>   <b>VEHICLE 73</b>  <input type="checkbox"/>   <b>VEHICLE 74</b>  <input type="checkbox"/>   <b>VEHICLE 75</b>  <input type="checkbox"/>   <b>VEHICLE 76</b>  <input type="checkbox"/>   <b>VEHICLE 77</b>  <input type="checkbox"/>   <b>VEHICLE 78</b>  <input type="checkbox"/>   <b>VEHICLE 79</b>  <input type="checkbox"/>   <b>VEHICLE 80</b>  <input type="checkbox"/>   <b>VEHICLE 81</b>  <input type="checkbox"/>   <b>VEHICLE 82</b>  <input type="checkbox"/>   <b>VEHICLE 83</b>  <input type="checkbox"/>   <b>VEHICLE 84</b>  <input type="checkbox"/>   <b>VEHICLE 85</b>  <input type="checkbox"/>   <b>VEHICLE 86</b>  <input type="checkbox"/>   <b>VEHICLE 87</b>  <input type="checkbox"/>   <b>VEHICLE 88</b>  <input type="checkbox"/>   <b>VEHICLE 89</b>  <input type="checkbox"/>   <b>VEHICLE 90</b>  <input type="checkbox"/>   <b>VEHICLE 91</b>  <input type="checkbox"/>   <b>VEHICLE 92</b>  <input type="checkbox"/>   <b>VEHICLE 93</b>  <input type="checkbox"/>   <b>VEHICLE 94</b>  <input type="checkbox"/>   <b>VEHICLE 95</b>  <input type="checkbox"/>   <b>VEHICLE 96</b>  <input type="checkbox"/>   <b>VEHICLE 97</b>  <input type="checkbox"/>   <b>VEHICLE 98</b>  <input type="checkbox"/>   <b>VEHICLE 99</b>  <input type="checkbox"/>   <b>VEHICLE 100</b>  <input type="checkbox"/>   </div> </div>
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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

----- X  
SANDRA QUILICO

Plaintiff,

- against -

JOSE ESCOBAR-ACURIO and  
ANTONIO ORTIZ

Defendants.  
----- X

To the above named Defendant(s):

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: February 11, 2008  
Forest Hills, New York

Defendant(s) address:

Jose Escobar-Acurio  
945 Newton Street  
North Brunswick, New Jersey 08902

Antonio Ortiz  
220 Horseshoe Road  
Berkeley Heights, New Jersey 07922

Yours etc.,

*Richard M. Gutierrez*  
Richard M. Gutierrez, Esq.  
Attorney for Plaintiff  
Office and Post Office Address  
118-35 Queens Boulevard, Suite 1500  
Forest Hills, NY 11375  
(718) 520-0663

Notice: The nature of this action is personal injury.

The relief sought is monetary damages in an amount excess of the monetary limits of all lower Courts which would otherwise have jurisdiction.

Upon your failure to appear, judgment will be taken against you by default.

2008 FEB 15 AM 8:41  
COUNTY CLERK  
BRONX COUNTY

RECEIVED

Index no.: 301308 - 08  
Date Purchased:

Plaintiff(s) designates Queens  
County as the place of trial.  
The basis of venue is Place of  
occurrence.  
**SUMMONS WITH NOTICE**

Plaintiff(s) resides at  
112 Lincoln Boulevard  
Emmerson, New Jersey 07630

County of BERGEN



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

----- X  
SANDRA QUILICO

Plaintiff,

- against -

**VERIFIED COMPLAINT**

JOSE ESCOBAR-ACURIO and  
ANTONIO ORTIZ

Defendants.  
----- X

Plaintiff, by her attorney, Richard M. Gutierrez, Esq., complaining of the defendants

allege:

**AS AND FOR A FIRST CAUSE OF ACTION**  
**ON BEHALF OF THE PLAINTIFF.**

**First:** That at all times herein mentioned, the Plaintiff, was and still is a resident of the County of Bergen, State of New Jersey.

**Second:** That upon information and belief at all times herein mentioned, the defendant, Jose Escobar-Acurio was and still is a resident of the County of Essex, State of New Jersey.

**Third:** That upon information and belief at all times herein mentioned, the defendant, Antonio Ortiz was and still is a resident of the County of Union, State of New Jersey.

**Fourth:** That at all times herein mentioned, the defendant, Antonio Ortiz, was the owner of the motor vehicle which struck the vehicle the Plaintiff, Sandra Quilico, was operating.

**Fifth:** That upon information and belief, at all times herein mentioned, the vehicle being operated by the Plaintiff was a 2007 Mercedes Benz, bearing New Jersey State license plate number WAT35W, when it was struck by the vehicle being driven by the defendant, Jose Escobar-Acurio.

**Fifth:** That upon information and belief, at all times herein mentioned, the vehicle being operated by the defendant, Jose Escobar-Acurio, was a 1995 MAC Truck, bearing New Jersey

State license plate number AK819K.

**Sixth:** That at all times herein mentioned, the defendant, Antonio Ortiz was the owner of the vehicle the defendant, Jose Escobar-Acurio, was operating.

**Seventh:** That at all times herein mentioned, the defendant Jose Escobar-Acurio was operating the aforementioned vehicle with permission and authority of the owner.

**Eighth:** That heretofore and on or about the 8<sup>th</sup> day of August, 2007 on the Cross Bronx Expressway, 50 feet east of the Jerome Avenue Exit, in the County of Bronx, City and State of New York, the vehicle being operated by the defendant, Jose Escobar-Acurio failed to merge properly and came into contact with the vehicle the plaintiff, Sandra Quilico, was operating, causing her to sustain serious and permanent personal injuries.

**Ninth:** That upon information and belief, at all times herein mentioned, at the Cross Bronx Expressway is a public street, highway and thoroughfare located in the County of Bronx, City and State of New York and commonly used by the residents of the County of Bronx and others.

**Tenth:** That said occurrence was due in whole to the negligence of the defendant Jose Escobar-Acurio, in the operation, maintenance and control of his vehicle.

**Eleventh:** That the defendant, Jose Escobar-Acurio, was negligent in driving the aforesaid vehicle at a dangerous and excessive rate of speed under the circumstances there pertaining, in failing to keep a proper lookout on the road, in failing to stop or slow down his vehicle in order to avoid the occurrence, in failing to exercise due care by striking the automobile, in which the plaintiff was a passenger and said defendant was otherwise careless, reckless, and negligent in causing the accident.

**Twelfth:** That by reason of the foregoing, the Plaintiff, Sandra Quilico, was caused to sustain severe, permanent and protracted personal injuries, was rendered sick, sore, lame and

disabled; was and upon information and belief, will be incapacitated from attending to her normal duties and functions.

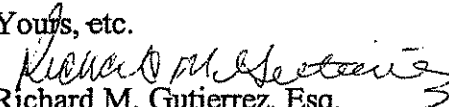
**Thirteenth:** That by reason of the foregoing the Plaintiff, Sandra Quilico has sustained a serious injury as defined in subsection (d) of Section 5702 of the Insurance Law of the State of New York.

**Fourteenth:** That by reason of the foregoing, the Plaintiff, Sandra Quilico has been damaged in an amount in excess of the monetary jurisdiction of all lower Courts in which would otherwise have jurisdiction.

**WHEREFORE,** Plaintiff demands judgment against the defendant in an amount in excess of the monetary jurisdiction of all lower Courts in which would otherwise have jurisdiction together with costs and disbursements of this action.

Dated: Forest Hills, New York  
February \_\_\_\_, 2008

Yours, etc.

  
Richard M. Gutierrez, Esq.  
118-35 Queens Blvd.  
Forest Hills, N.Y. 11375  
Suite 1220  
(718)520-0663

**VERIFICATION**

I, Sandra Quilico, being duly sworn, deposes and says:

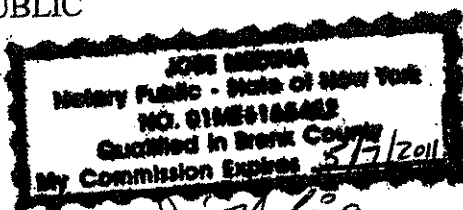
Deponent is the Plaintiff in the within action and has read the foregoing **VERIFIED COMPLAINT** and knows the contents thereof.

The content of the aforesaid pleading is true to deponent's own knowledge, except as to matters therein stated to be alleged on information and belief, and to those matters deponent believes them to be true.

Sandra Quilico  
Sandra Quilico

Sworn to Before Me This  
11<sup>th</sup> day of Feb., 2008

Joe Mirona  
NOTARY PUBLIC



NOTICE OF ENTRY

PLEASE take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on 2008.

Dated:

Yours, etc.  
RICHARD M. GUTIERREZ, ESQ.

*Attorney for*  
*Office and Post Office Address*  
118-35 QUEENS BOULEVARD  
SUITE 1500  
FOREST HILLS, NEW YORK 11375

To:

Attorney(s) for

NOTICE OF SETTLEMENT

PLEASE take notice that an Order of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at  
on 2008 at

Dated,  
Yours, etc.

RICHARD M. GUTIERREZ, ESQ.

*Attorney for*

*Office and Post Office Address*  
118-35 QUEENS BOULEVARD  
SUITE 1500  
FOREST HILLS, NEW YORK 11375

To

Attorney(s) for

Index No.:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

SANDRA QUILICO

PLAINTIFF,

-against-

JOSE ESCOBAR-ACURIO and  
ANTONIO ORTIZ

DEFENDANTS

SUMMONS WITH NOTICE

RICHARD M. GUTIERREZ, ESQ.

*Attorney for PLAINTIFF*

*Office and Post Office Address, Telephone, Fax*  
118-35 QUEENS BOULEVARD  
SUITE 1500

FOREST HILLS, NY 11375

Telephone No.: 718-520-0663

Fax No.: 718-520-8806

To:

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

Pursuant to 22 NYCRR 190.1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: February 14, 2008

Signature

*Richard M. Gutierrez*  
RICHARD M. GUTIERREZ, ESQ.

Bronx County Clerks Office  
851 Grand Concourse  
Bronx, NY 10451

.....  
Department: LAW  
Transaction No 1110728  
Plaintiff SANDRA QUILIC  
Defendant JOSE ESCOBAR  
IndexNo 301306-2006  
Type: CT  
\_\_\_\_\_

Amount Due:	\$210.00
Amount Rcvd	\$210.00
Change Due:	\$0.00

=====  
Date: 02/15/0  
Time: 08:18 AM

NOTICE OF ENTRY

PLEASE take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on 2008.

Dated:

Yours, etc.  
RICHARD M. GUTIERREZ, ESQ.

*Attorney for*  
*Office and Post Office Address*  
118-35 QUEENS BOULEVARD  
SUITE 1500  
FOREST HILLS, NEW YORK 11375

To:

Attorney(s) for  
NOTICE OF SETTLEMENT

PLEASE take notice that an Order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on 2008 at

Dated,  
Yours, etc.

RICHARD M. GUTIERREZ, ESQ.

*Attorney for*

*Office and Post Office Address*  
118-35 QUEENS BOULEVARD  
SUITE 1500  
FOREST HILLS, NEW YORK 11375

To

Attorney(s) for

Index No.:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

SANDRA QUILICO

PLAINTIFF,

-against-

JOSE ESCOBAR-ACURIO and  
ANTONIO ORTIZ

DEFENDANTS.

RESPONSE TO COMBINED  
DEMANDS

RICHARD M. GUTIERREZ, ESQ.

*Attorney for* PLAINTIFF

*Office and Post Office Address, Telephone, Fax*  
118-35 QUEENS BOULEVARD  
SUITE 1500  
FOREST HILLS, NY 11375  
Telephone No.: 718-520-0663  
Fax No.: 718-520-8306

To:

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated: .....

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: July 7, 2008

Signature   
RICHARD M. GUTIERREZ, ESQ.  
Attorney for Plaintiff



**AFFIDAVIT OF SERVICE**

Gina Diaz being duly sworn, deposes and says, that deponent is not a party to this action, is over 18 years of age, and resides at 63 Pearsall Street, Staten Island, NY 10305; that on the 10<sup>th</sup> day of July 2008, deponent served the within **NOTICE OF FILING OF NOTICE OF REMOVAL UPON:**

TO: **Richard M. Gutierrez**  
Attorney for Plaintiff  
118-35 Queens Boulevard, Suite 1500  
Forest Hills, NY 11375  
(718) 520-0663

addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a post-paid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

  
GINA DIAZ

Sworn to before me this  
10<sup>th</sup> day of July 2008

  
Notary Public

**ELINA LECOUR**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
**NO: 02LE6111821**  
**QUALIFIED IN RICHMOND COUNTY**  
**COMMISSION EXPIRES JUNE 28, 2012**

GALVANO & XANTHAKIS, P.C.

Index No. 08 CIV 6241

Year 20

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SANDRA QUILICO

Plaintiff,

-against-

JOSE ESCOBAR-ACURIO and  
ANTONIO ORTIZ

Defendant(s),

**NOTICE OF FILING OF NOTICE OF REMOVAL**

**GALVANO & XANTHAKIS, P.C.**

Attorney(s) for

Defendants,

Office and Post Office Address

150 BROADWAY

SUITE 2100

NEW YORK, NEW YORK 10038

(212) 349-5150

**Sir: Please take notice**

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a  
duly entered in the office of the clerk of the within named court on

20

☐ NOTICE OF SETTLEMENT

that an order  
settlement to the HON.  
judges

of which the within is a true copy will be presented for  
one of the

of the within named Court, at  
on the day of

20 at M.

Dated,

Yours, etc.

**GALVANO & XANTHAKIS, P.C.**

Attorney(s) for

Office and Post Office Address

150 BROADWAY

SUITE 2100

NEW YORK, NEW YORK 10038

(212) 349-5150

To

Attorney(s) for